



January 23, 2004

SENATE BILL No. 189

DIGEST OF SB 189 (Updated January 20, 2004 5:23 pm - DI 52)

Citations Affected: Noncode.

Synopsis: Regulation of endangered industries. Extends to July 1, 2006, the prohibition against adoption of a new rule by an environmental rulemaking board or adoption of a new policy by the department of environmental management if the new rule or policy would require certain industries to comply with standards of conduct that exceed federal standards. Excepts from the prohibition adoption of a new rule by the air pollution control board that is necessary to attain or maintain certain air quality standards.

Effective: Upon passage.

Gard

January 6, 2004, read first time and referred to Committee on Environmental Affairs.
January 22, 2004, amended, reported favorably — Do Pass.

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SB 189—LS 6734/DI 52+



January 23, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 189

A BILL FOR AN ACT concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. P.L.231-2003, SECTION 6, IS AMENDED TO READ
2 AS FOLLOWS [EFFECTIVE UPON PASSAGE] SECTION 6. (a)
3 **Except as provided in subsection (b), before July 1, 2005; 2006, the:**
4 (1) air pollution control board, water pollution control board, or
5 solid waste management board may not adopt a new rule; and
6 (2) department of environmental management may not adopt a
7 new policy;
8 if the new rule or policy would require any industry described in
9 subsection (b) that experienced at least a ten percent (10%) job loss or
10 a ten percent (10%) decline in production during calendar years 2001,
11 ~~and 2002, and 2003~~ to comply with a standard of conduct that exceeds
12 the standard established in a related federal regulation or regulatory
13 policy.
14 **(b) Subsection (a) does not apply to the adoption of a new rule**
15 **by the air pollution control board that is necessary to attain or**
16 **maintain the primary or secondary national ambient air quality**
17 **standards as part of a state implementation plan submitted to the**
18 **United States Environmental Protection Agency under Section 110**

SB 189—LS 6734/DI 52+



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1 **of the federal Clean Air Act (42 U.S.C. 7410a).**

2 ~~(b)~~ **(c)** The following are the industries referred to in subsection (a)
 3 functioning under the following primary Standard Industrial
 4 Classification (SIC) codes:

5 (1) Blast furnaces and steel mills (3312).

6 (2) Gray and ductile iron foundries (3321).

7 (3) Malleable iron foundries (3322).

8 (4) Steel investment foundries (3324).

9 (5) Steel foundries (3325).

10 (6) Aluminum foundries (3365).

11 (7) Copper foundries (3366).

12 (8) Nonferrous foundries (3369).

13 ~~(c)~~ **(d)** This SECTION expires July 1, ~~2005~~ **2006**.

14 SECTION 2. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 189, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "Before" and insert **"Except as provided in subsection (b), before"**.

Page 1, between lines 13 and 14, begin a new paragraph and insert:

"(b) Subsection (a) does not apply to the adoption of a new rule by the air pollution control board that is necessary to attain or maintain the primary or secondary national ambient air quality standards as part of a state implementation plan submitted to the United States Environmental Protection Agency under Section 110 of the federal Clean Air Act (42 U.S.C. 7410a)."

Page 1, line 14, strike "(b)" and insert "(c)".

Page 2, line 7, strike "(c)" and insert "(d)".

and when so amended that said bill do pass.

(Reference is to SB 189 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 10, Nays 0.

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